

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

BRANT GREEN,

Petitioner,

vs.

No. CV 18-00953 MV/KK

MARK BOWEN, WARDEN,

Respondent.

**ORDER GRANTING MOTION TO WITHDRAW REQUEST  
TO HOLD PETITION IN ABEYANCE**

THIS MATTER is before the Court on the Withdrawal of Request to Hold “Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody” in Abeyance filed by Petitioner Brant Green (Doc. 5). The Court grants Petitioner Green’s request to withdraw his motion to hold his § 2254 Petition in abeyance.

Petitioner Brant Green filed his Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody on October 12, 2018. (Doc. 1). In his § 2254 Petition, Brant stated:

“Petitioner respectfully requests the Court to grant relief in the form of accepting this petition of both exhausted and unexhausted issues and holding it in abeyance pending the New Mexico Supreme Court’s forthcoming decision.”

(Doc. 1 at 99-100). Green then filed his Petitioner’s Withdrawal of Request to Hold “Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody” in Abeyance (Doc. 5). The Court grants Petitioner Green’s withdrawal of his request to hold this case in abeyance. To the extent Green asks the Court to “find that his Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody is timely filed,” the Court declines to

reach the issue of timeliness at this time, but concludes that the issue of timeliness is properly preserved for later determination on the merits by the Court.

**IT IS ORDERED** that the Withdrawal of Request to Hold “Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody” in Abeyance filed by Petitioner Brant Green (Doc. 5) is **GRANTED** and Petitioner Green’s request to hold this proceeding in abeyance is deemed withdrawn.

  
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UNITED STATES MAGISTRATE JUDGE